

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

AARON BLACKWELL and)	
DURELL CUNNINGHAM)	
)	
Plaintiff,)	
)	
v.) CAUSE NO.: 1:19-cv-04869-SEB-DLP	
)	
DARYL JONES, ON-TARGET SECURITY, INC,)	
and NORDSTROM, INC.)	
)	
Defendants.)	

Statement of Defenses of Daryl Jones

Comes now the Defendant, Daryl Jones, by counsel, and files his statement of defenses as follows:

1. Defendant Daryl Jones is state law immunity for Plaintiffs' state law claims under I.C. § 34-13-3-3.
2. Defendant Daryl Jones is entitled to qualified immunity under *Harlow v. Fitzgerald*, 457 U.S. 800 (1982).
3. Plaintiffs' damages, if any, were caused, in whole or in part, by the Plaintiffs' own actions. Plaintiff's damages and recovery should be reduced or barred pursuant to the terms of the Indiana Comparative Fault Act and/or the doctrine of contributory negligence.
4. Plaintiffs may have failed to mitigate their damages, if any.
5. Defendant had probable cause and reasonable suspicion for any actions he took. *Terry v. Ohio*, 392 U.S. 1 (1968).

Respectfully submitted,

/s/ Christopher D. Cody

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CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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